

MEMORANDUM OF UNDERSTANDING

between the

FEDERAL EMERGENCY MANAGEMENT AGENCY,

U.S. DEPARTMENT OF THE INTERIOR,

and the

U.S. DEPARTMENT OF DEFENSE

I. BACKGROUND

The United States territories in the Pacific are subject to many types of natural disasters. United States government authority to provide relief following such disasters is derived primarily from Public Law 93-288, the Disaster Relief Act of 1974. Federal response and funding are implemented by a Presidential declaration of a major disaster, which is based on an assessment and recommendation to the President by the Director of the Federal Emergency Management Agency (FEMA).

Due to the distances separating the United States territories in the Pacific from the Regional and National Offices of FEMA, the time required to verify applicability of the Disaster Relief Act and obtain a Presidential declaration may result in additional suffering and loss in the area of a natural disaster before U.S. government assistance can be provided.

Department of the Interior (DOI) has field representatives stationed in American Samoa, Guam and the Commonwealth of the Northern Mariana Islands. Department of Defense (DOD), including the U.S. Army Corps of Engineers (USACE), has personnel stationed in Hawaii and Guam. Consistent with DOD mission priorities, capabilities exist to support both damage assessment and delivery of some forms of immediate emergency assistance to ensure that the U.S. response is more efficient and effective in the immediate aftermath of a disaster before a major disaster is declared.

II. PURPOSE

The purpose of this MOU is to define the roles of FEMA, DOI, DOD, and USACE and establish procedures for a combined effort which will result in an improved response to disasters occurring in the U.S. territories in the Pacific. It is specifically intended to promote accelerated damage assessment and provide emergency assistance for immediate needs during the interim period between the time the disaster occurs until the Presidential declaration of a major disaster is made.

III. GEOGRAPHIC LOCATIONS

For the purposes of this document, the geographical areas are defined as the island groups composing American Samoa, Guam, the Commonwealth of the Northern Marianas, and the Republic of Palau. At such time as Palau's Compact of Free Association is implemented, Palau will cease to be a part of this MOU.

IV. AGENCY AUTHORITIES, ROLES AND RESPONSIBILITIES

A. FEDERAL EMERGENCY MANAGEMENT AGENCY

Public Law 93-288 vests in the President the authority to coordinate disaster relief and recovery activities of all Federal agency programs, State and local governments, the American Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief or disaster assistance organizations, as well as to provide disaster assistance programs authorized by PL 93-288. Executive Order 12148 delegates authority for administering PL 93-288 to the Director of FEMA.

In order to effect assistance under PL 93-288, the Governor of the State (or territory) must officially notify the President, through FEMA, when an event has occurred of such severity and magnitude that effective response is beyond the capabilities of the State and local governments, and request the declaration of a major disaster or emergency. FEMA's role prior to a declaration is to monitor the developing situation and, upon a request by the Governor, perform and direct preliminary damage assessment and gather information with which to make a recommendation to the President.

Under this MOU, the FEMA Regional Director, Region IX, will:

1. Schedule and conduct training for DOI, DOD, and USACE field personnel on FEMA Regulations, requirements and procedures for responding to natural disasters as prescribed by PL 93-288, with emphasis on pre-declaration activities.
2. Upon receipt of actual notice of the occurrence of any natural disaster in the Pacific territories, any representative of FEMA will promptly ensure that the other parties to this agreement are notified of the occurrence and provide any available information pertaining to damage assessment.
3. Upon notice of the occurrence of a natural disaster, take the lead role in monitoring the incident, gathering preliminary damage assessment information, and providing specific guidance to DOI, DOD, or USACE personnel to act for FEMA until staff can arrive on the scene.
4. After the declaration of a major disaster,

coordinate all Federal programs and manage PL 93-288 program delivery.

5. Through the issuance of Mission Assignment letters, request Federal agencies to perform specific tasks for FEMA and prescribe funding limits.

6. Request logistical support from DOD, on a reimbursable basis, to get key personnel to the scene to direct preliminary damage assessment and/or the response effort.

B. DEPARTMENT OF THE INTERIOR

The Secretary of the Department of the Interior has been given the authority and responsibility by the U.S. Congress and the President for coordinating Federal policy in the territories of American Samoa, Guam, the Commonwealth of the Northern Mariana Islands and the Republic of Palau (Trust Territory of the Pacific Islands). The Secretary has delegated his authority and responsibility to the Assistant Secretary for Territorial and International Affairs (established by Secretarial Order 3046 in February 1980) for activities pertaining to territorial areas. The primary objectives of the Office of Territorial and International Affairs are to assist the territories in developing socially, politically and economically, leading each toward greater self-government and self-sufficiency.

The relationship of the Department of the Interior to these territories is defined under the following statutes and Executive Orders:

Guam is governed under an organic act of the U.S. Congress. Guam's relations with the Federal government are under the administrative supervision of the Secretary of the Interior. (48 U.S.C. 1421 et. seq.)

American Samoa became a United States territory with the execution of two deeds of cession, and the United States Congress, on February 29, 1929, provided for its governance by giving the President authority to vest all civil, judicial, and military powers in a person or persons of his choosing (48 U.S.C. 1661). The President vested such authority in the Secretary of the Interior (Executive Order 10264).

The Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America became fully effective on November 3, 1986, by virtue of Executive Order 12572. Under the Executive Order, the President placed the relations of the United States with the Commonwealth under the general administrative supervision of the Secretary of the Interior.

The Republic of Palau is administered by the United States as the Trust Territory of the Pacific Islands under the 1947 Trusteeship

Agreement for the Former Japanese Mandated Islands. By virtue of Executive Order 11021, the President placed United States authority over the Trust Territory in the Secretary of the Interior.

By the terms of this MOU, DOI agrees to provide the following assistance and support.

1. Upon execution of this MOU, DOI will identify a cadre of Pacific-based personnel to be trained by FEMA for disaster response and trained to conduct preliminary damage assessment using the criteria of PL 93-288 and its implementing Regulations.
2. Upon receipt of actual notice of the occurrence of any natural disaster in the Pacific territories, any representative of DOI will promptly ensure that the other parties to this Agreement are notified of the occurrence and provide any available information pertaining to damage assessment.
3. Prior to a declaration, when requested to do so by the FEMA Regional Director, serve as FEMA's representative until FEMA personnel can arrive on site. Monitor and provide reports of the situation to FEMA Region IX, provide technical assistance to the territory, and identify resources necessary to meet emergency needs.
4. In the event that a declaration is made before FEMA officials can arrive on scene, represent FEMA within the prescribed limits given by the FEMA Federal Coordinating Officer/Disaster Recovery Manager (FCO/DRM).
5. Conduct, or assist FEMA in conducting, the preliminary damage assessment.
6. Assist the Governor in writing the formal request to the President seeking a disaster declaration, ensuring that appropriate FEMA requirements are met.
7. Work with the local government to determine the immediate essential supplies and services needed prior to Presidential consideration of the request.
8. Prior to a declaration, the Department of the Interior will act as the lead Federal agency in providing assistance for the humanitarian needs where those needs can not be met by any other agency or department.
9. Provide liaison and staff support to the FCO/DRM after a major disaster is declared.
10. Assist local officials with pre-disaster preparedness planning activities and encourage pre-disaster mitigation.

C. DEPARTMENT OF DEFENSE

Department of Defense assets may be utilized to conduct emergency disaster relief operations in accordance with DOD Directive 3025.1. The Secretary of the Army, as Executive Agent for DOD, exercises the authorities contained in that Directive. The Director of Military Support (DOMS) will coordinate disaster relief response on behalf of the DOD Executive Agent. Commander in Chief, U.S. Pacific Command (USCINCPAC), consistent with DOD mission priorities, will normally be designated as the DOD Operating Agent for all disaster relief operations in the Pacific territories.

USCINCPAC, its subordinate and component commands, and USACE may, by written agreement specifying the scope of operations, authority, and reimbursement provisions, as required by law, undertake emergency disaster relief and disaster recovery operations which exceed the authority described above, under the authority and available appropriation of other Federal agencies in accordance with the Economy Act, 31 U.S.C. 1535.

USCINCPAC, its subordinate and component commands, and USACE may, by written agreement specifying the scope of operations, authority, and reimbursement provisions, as required by law, undertake emergency disaster relief and disaster recovery operations which exceed the authority described above, under the authority of state or other civil governments in accordance with PL 97-258.

USCINCPAC, its subordinate and component commands, and USACE may detail individual personnel on a reimbursable or non-reimbursable basis to other Federal agencies to perform disaster relief and disaster recovery functions in accordance with the Federal Personnel Manual, 64 Comp. Gen 370 (1985), and P.L. 84-99.

Under this MOU, USCINCPAC will:

1. Upon receipt of actual notice of the occurrence of any natural disaster in the Pacific territories, any representative of DOD will promptly ensure that the other parties to this Agreement are notified of the occurrence and provide any available information pertaining to damage assessment.
2. At the request of the FEMA Regional Director, Region IX, and subject to DOD mission priorities, DOD will provide reimbursable logistical support for Federal disaster response personnel to accomplish this mission.
3. Where appropriate, provide assistance under Local Commander's authorities.
4. Coordinate with and advise the DOMS concerning whether an undeclared civil emergency warrants national-level

response and provide assistance as directed by the DOD Executive Agent.

5. Provide assistance in accordance with the Economy Act and PL 97-258, as applicable.

6. Provide assistance, as appropriate, to other Federal agencies for pre-disaster planning, disaster relief and disaster recovery operations.

7. Identify resources necessary to meet emergency needs.

D. U.S. ARMY CORPS OF ENGINEERS

Under the authority of Public Law 84-99, Flood and Coastal Storm Emergencies (33 U.S.C. 701n), the Department of the Army and its Corps of Engineers have broad capabilities as the lead Federal agency for response to floods and coastal storm emergencies. The unique authority enables the Army to take an active role in disaster preparedness, advance construction immediately prior to a flooding event, response to a flood emergency, recovery activities, and mitigation efforts. Such Army activities are clearly intended to supplement rather than replace the ongoing state and local emergency activities.

PL 84-99 also authorizes Army assistance in providing both temporary water supplies when local sources have been contaminated, as well as assistance in well construction and transportation of water to farmers, ranchers, and political subdivisions experiencing a drought. Finally, the Army is authorized to provide post flood response assistance up to ten (10) days following the Governor's request for a determination that an emergency or major disaster exists under PL 93-288. Such assistance is limited to the preservation of life and property and is generally temporary in nature to meet the immediate threat.

Under this MOU, the Department of the Army, and its Corps of Engineers will:

1. Identify a cadre of Pacific-based personnel to provide assistance under Army authorities and to be trained by FEMA to conduct preliminary damage assessment using the criteria of PL 93-288 and its implementing Regulations.

2. Upon receipt of actual notice of the occurrence of any natural disaster in the Pacific territories, appropriate representatives of the Army Corps of Engineers will make their best efforts to ensure that the other parties to this agreement are notified of the occurrence and provide any available information pertaining to damage assessment.

3. When notified by the FEMA Regional Director,

Region IX, the Army Corps of Engineers will provide, as appropriate, trained personnel to conduct preliminary damage assessment for PL 93-288 consideration, as provided in the standby mission assignment.

4. Where opportunities and authority exist, assist local officials with pre-disaster preparedness activities and encourage pre-disaster mitigation.

5. Provide needed supplemental assistance, as appropriate, when authorized under PL 84-99 for flood response or post flood response activities to preserve life and protect improved property.

6. Provide assistance, as appropriate, in accordance with the Economy Act and PL 97-258, as applicable.

7. Provide assistance, as appropriate, to other Federal agencies for pre-disaster planning, disaster relief and disaster recovery operations.

8. Provide post-declaration assistance, as appropriate, pursuant to requests by the FEMA Regional Director in mission assignment letters.

V. REIMBURSEMENT


Disaster assistance provided by PL 93-288 is supplemental to assistance available through other Federal programs, State and local government capabilities, and disaster relief organizations. Therefore, except for specific standby mission assignments that have been provided to DOI, DOD, or USACE for technical and preliminary damage assessment support, departments/agencies performing disaster relief work prior to a Presidential declaration must do so under their own funding authorities. However, when a declaration is made, applicants may be reimbursed by FEMA for reasonable costs of such work as are eligible under PL 93-288 when billed by the department/agency. Funding for mission assignments issued by FEMA for post-declaration activities under PL 93-288 will be reimbursed by FEMA from the President's Disaster Relief Fund.

VI. IMPLEMENTATION

Implementation of this agreement will be accomplished by detailed operating procedures to be developed by FEMA Region IX, the DOI designated Field Representative, USCINCPAC, and U.S. Army Corps of Engineers/Pacific Ocean Division, or their designees.

VII. EFFECTIVE DATE

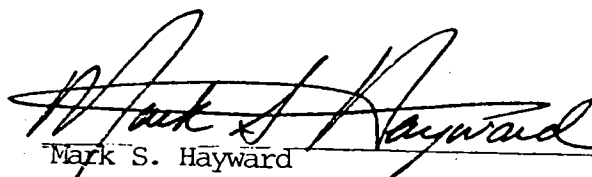
This agreement will become effective upon signature by all parties and may be modified only by consent of all parties.



Dave McLoughlin

Deputy Acting Associate Director,
State and Local Programs,
Federal Emergency Management
Agency

Date: FEB 23 1988



Mark S. Hayward

Deputy Assistant
Secretary,
Territorial and International
Affairs,
Department of the Interior

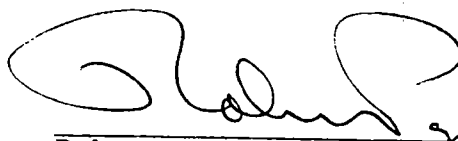
Date: 22 Feb. 1988



John W. Shannon

Assistant Secretary of the Army
(Installations and Logistics)

Date: 11 Jan 88



Robert W. Page

Assistant Secretary of the Army
(Civil Works)

Date: 21 Feb - 88